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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

COMMODITY FUTURES TRADING
COMMISSION,

Plaintiff,

vs.

DAVID GILBERT SAFFRON a/k/a/ DAVID
GILBERT and CIRCLE SOCIETY, CORP.,

Defendants.

Case No. 2:19-cv-1697-JAD-DJA

**SHUMWAY VAN'S MOTION TO
WITHDRAW AS ATTORNEY OF
RECORD FOR DEFENDANTS DAVID
GILBERT SAFFRON AND CIRCLE
SOCIETY CORP.**

SHUMWAY VAN ("Counsel" or "Shumway Van"), counsel for Defendants David Gilbert Saffron ("Mr. Saffron") and Circle Society Corp. ("Circle") (collectively, "Defendants"), hereby submits this Motion to Withdraw as Attorney of Record for Defendants. This Motion is made and based upon the following Memorandum of Points and Authorities, the attached Declaration of Garrett R. Chase, Esq., pleadings and papers already on file herein, and any oral argument this Court may consider at the hearing.

Dated this 9th day of November, 2020.

SHUMWAY VAN

By: /s/ Garrett R. Chase

MICHAEL C. VAN, ESQ., #3876
GARRETT R. CHASE, ESQ., #14498
8985 South Eastern Avenue, Suite 100
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Attorneys for Defendants

MEMORANDUM OF POINTS AND AUTHORITIES

Shumway Van again moves this Court for withdrawal as counsel of record for Defendants in this matter. Rule of Professional Conduct 1.16 provides that an attorney may withdraw if the “representation will result in an unreasonable financial burden on the lawyer.”¹ A lawyer may also withdraw representation for other good cause.²

In this case, shortly after Shumway Van previously withdrew from representation in December of 2019, Defendants again retained Shumway Van to act only as local counsel for Defendants’ lead counsel, Marcus Mumford, who indicated that he was attempting to apply for admission pro hac vice. During that process, Mr. Mumford unexpectedly passed away. In the subsequent months, Shumway Van made diligent efforts to work with Defendants on retaining new counsel. However, once again Shumway Van has had consistent issues communicating with Mr. Saffron and Circle. On multiple occasions throughout this litigation, Shumway Van has not received timely responses or requested documents from Mr. Saffron and/or Circle. That lack of communication has made Shumway Van’s representation of Mr. Saffron and Circle increasingly and unnecessarily difficult, especially considering the limited scope of Shumway Van’s representation as local counsel.

Shumway Van has also experienced issues in collecting payment for the services rendered. Consequently, continued representation of Mr. Saffron and Circle as their lead counsel would present Shumway Van an unreasonable financial burden. Furthermore, Shumway Van anticipates that Mr. Saffron and/or Circle will likely continue to have difficulty paying Shumway Van for their services. Due to these financial issues, the lack of communication described above, and the unexpected death of lead counsel, Shumway Van and Mr. Saffron/Circle have reached a fundamental disagreement in this litigation. Accordingly, Shumway Van seeks immediate withdrawal as counsel of record for Defendants.

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¹ Nev. R. Prof’l Conduct at 1.16(b)(6).

² *Id.* at 1.17(b)(7).

CONCLUSION

Based upon the foregoing, Shumway Van respectfully requests that its Motion to Withdraw as Counsel be granted.

Dated this 9th day of November, 2020.

SHUMWAY VAN

By: /s/ Garrett R. Chase
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DECLARATION OF GARRETT R. CHASE, ESQ.

1
2 1. I, Garrett R. Chase, Esq., am an attorney at the law firm of Shumway Van, the
3 attorneys retained to represent DAVID GILBERT SAFFRON (“Mr. Saffron”) and CIRCLE
4 SOCIETY, CORP. (“Circle”) as local counsel, in the above case.

5 2. I have personal knowledge of the facts and circumstances stated herein and as for
6 those stated upon information and belief, I believe them to be true.

7 3. Mr. Saffron and Circle retained Shumway Van in March of 2020 to act as local
8 counsel for Marcus Mumford, who Mr. Saffron and Circle had retained as lead counsel in this
9 matter to defend against the claims filed by Commodity Futures Trading Commission (“Plaintiff”).

10 4. This was approximately three months after Shumway Van had previously
11 withdrawn from representation, in December of 2019.

12 5. In late April of 2020, Michael Van, a partner at Shumway Van and the other
13 attorney working on this case, and I were informed that Marcus Mumford had unexpectedly passed
14 away.

15 6. After that news, Mr. Van attempted to work with Mr. Saffron on figuring out a
16 relationship where Shumway Van could act as lead counsel, or otherwise finding replacement
17 counsel for Mr. Saffron and Circle.

18 7. Despite these diligent efforts, we have been unable to replace lead counsel for
19 Defendants in this matter.

20 8. Additionally, Shumway Van has once again encountered difficulties
21 communicating with Mr. Saffron and Circle. On multiple occasions, Mr. Saffron and/or Circle
22 have failed to timely communicate with Shumway Van and/or provide Shumway Van with
23 requested documents related to the above-referenced case. Due in part to that lack of
24 communication, Shumway Van and Mr. Saffron/Circle have reached a fundamental disagreement
25 in this case.

26 9. Shumway Van has also struggled again with obtaining payment from Mr. Saffron
27 and Circle to cover the attorney’s fees incurred in its representation.

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1 10. Upon information and belief, Mr. Saffron and Circle have recently undergone
2 financial difficulties, and as a result will likely continue to have difficulty paying for Shumway
3 Van's services.

4 11. Continued representation presents an unreasonable financial burden on Shumway
5 Van should the firm continue its representation of Mr. Saffron and Circle.

6 I declare under penalty of perjury under the laws of the State of Nevada (NRS 53.045), the
7 foregoing is true and correct.³

8 Dated this 3rd day of November, 2020.

9 
10 GARRETT R. CHASE, ESQ.

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27 ³ **NRS 53.045** Use of unsworn declaration in lieu of affidavit or other sworn declaration. Any
28 matter whose existence or truth may be established by an affidavit or other sworn declaration may
be established with the same effect by an unsworn declaration of its existence or truth signed by
the declarant under penalty of perjury, and dated, in substantially the following form.

CERTIFICATE OF E-SERVICE

I hereby certify that on this 9th day of November 2020, I electronically served a true and correct copy of the foregoing **SHUMWAY VAN'S MOTION TO WITHDRAW AS ATTORNEY OF RECORD FOR DEFENDANTS DAVID GILBERT SAFFRON AND CIRCLE SOCIETY, CORP.** with the Clerk of the Court using CM/ECF system.

/s/ Christina Garcia
An employee of Shumway Van

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